

**RECEIVED
CENTRAL FAX CENTER**

APR 28 2005

FOLEY & LARDNER LLP
ATTORNEYS AT LAW
11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CALIFORNIA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEY.COM

FACSIMILE TRANSMISSION

Total # of Pages 24 (including this page)

TO:	PHONE #:	FAX #:
Examiner Mary E. Ceperley U.S. Patent and Trademark Office	571-272-0813	703-872-9306

From : Michael F. Hay
Date : April 28, 2005
Client/Matter No : 063391-0202
USSN : 10/049,164
Filing Date : 10/21/2002
User ID No : 9080

Attached is a copy of the Amendment and Reply Under 37 CFR 1.111 and Amendment Transmittal that we filed on February 17, 2005, in the subject application. Examiner Ceperley has requested this submission because the original facsimile of February 17, 2005, was illegible.

If there are any problems with this transmission or if you have not received all of the pages, please call (858) 847-6764.

Operator:	Time Sent:	Return Original To: Rachel Ann Caputo
-----------	------------	--

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 063391-0202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Patricelli
Title: ACTIVITY BASED PROBE
ANALYSIS
Appl. No.: 10/049,164
Filing Date: 10/21/2002
Examiner: M. Ceperley
Art Unit: 1641
Conf. No. 6075

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. _____ Stephen E. Reiter (Printed Name) _____ (Signature) _____ February 17, 2005 (Date of Deposit)
--

AMENDMENT AND REPLY UNDER 37 CFR 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Non-Final Office Action dated November 17, 2004, please consider the following amendments and remarks.

Amendments to the Claims are reflected in the Listing of Claims which begins on page 2 of this document.

Remarks begin on page 11 of this document.